

EXHIBIT J

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Keqi Tang, et al.	Docket:	102718-200
Reexamination Control No.:	90/007,724	Art Unit:	3992
Patent No.:	6,528,784	Examiner:	Erik Kielin
Assignee:	Thermo Finnigan LLC	Conf. No.	6706
Title:	MASS SPECTROMETER SYSTEM INCLUDING A DOUBLE ION GUIDE INTERFACE AND METHOD OF OPERATION		

**COMMUNICATION OF PATENT OWNER IN RESPONSE TO ORDER GRANTING
EX PARTE REEXAMINATION**

Mail Stop Ex Parte Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

An "Order Granting Request for *Ex Parte* Reexamination" was issued in this proceeding on November 4, 2005.

The Patent Owner, Thermo Finnigan LLC, through its undersigned attorney acting in representative capacity under 37 CFR §1.34, hereby advises as follows:

1. As the PTO already is aware, but in any event as further reflected in the concurrently-filed "Statement Under 37 CFR §1.565," the patent to which this reexamination

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Ex Parte Reexam, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office via facsimile at (571) 273-8300.

Date

12/1/2005

Signed:

Elizabeth A. Galletta

relates, namely, U.S. Patent No. 6,528,784, is currently involved in pending litigation. That litigation is entitled *Thermo Finnigan LLC v. Applera Corporation, MDS, Inc. and Applied Biosystems/MDS Sciex Instruments*, which is pending in the U.S. District Court for the District of Delaware, Civil Action No. 05-110-GMS. In that litigation, Claims 1 and 4 of the patent are alleged to be infringed.

2. It is understood that, as provided for in 35 U.S.C. §305, this reexamination proceeding is required to be conducted by the PTO with “special dispatch.” It is further understood that the fact that the patent under reexamination is involved in pending litigation dictates that “the examination following the statement by the patent owner . . . and the reply by the requester . . . will be expedited to the extent possible.” MPEP §2286.


3. Expedited examination in this proceeding is requested and is particularly appropriate in this proceeding. In the above-noted district court action, and by Order of the Court dated May 9, 2005, the action has been scheduled for trial commencing on **December 4, 2006**.

4. In aid of expediting this reexamination proceeding, the Patent Owner hereby states that it **will not be filing a Patent Owner’s Statement** under 37 CFR §1.530. Accordingly, the time periods for any such statement and any requester reply should be deemed “expired” under 35 U.S.C. §305, such that the PTO should, pursuant to that statute and MPEP §2286, immediately proceed to *ex parte* examination to be “expedited to the extent possible.”

If the Examiner has any questions, the Examiner is invited and encouraged to contact the patent owner's representative at the telephone number listed below.

Respectfully submitted,
Themo Finnigan LLC

Date: 12/7, 2005

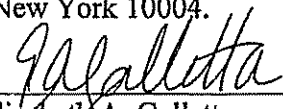

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing "Communication of Patent Owner in Response to Order Granting *Ex Parte* Reexamination" was this day served, by first-class mail, postage pre-paid, on the following attorney for the requester: Lewis V. Popovski, Esq., KENYON & KENYON, One Broadway, New York, New York 10004.

Date: 12/7/2005


Elizabeth A. Galletta